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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,511	09/22/2000	Paul E. Jacobs	PA000364	1542

23696 7590 07/23/2004

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/23/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,511

Applicant(s)

JACOBS ET AL.

Examiner

Djenane M Bayard

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-95, 100-103 and 107-109 is/are allowed.
- 6) ☒ Claim(s) 1-36, 39-43, 46-64, 96-99, 104 and 110-119 is/are rejected.
- 7) ☐ Claim(s) 16, 37, 38, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Argument***

1. As per claims 1,3,6-7, 25-26, 32-34, 40-41, 48-50, 52-54, 96-98 and 104-106, applicant argues that Moraes in view of Spaur fails to teach the claimed invention. Examiner applied a new rejection. Therefore, applicant's argument is moot based on the ground of the new rejection.
2. As per claim 15, Ravaki et al teaches the network address of the storage location of the advertisements (See col. 6, lines 1-5).
3. As per claim 55, Chang et al teaches interrupting a data downloading when the downloading time exceeded the time limit. Furthermore, Chang teaches rescheduling the data download when the previous download was not successful. It is obvious to one with ordinary skill in the art that Chang teaches "determining a failure condition has occurred".
4. As per claims 56 and 58, Casagrande et al teaches automatic restart when a download failure condition occurred. Applicant asserts Casagrande does not teach how to distinguish advertisements from any other data being downloaded. However, examiner disagrees. The claimed subject matter "does not teach how to distinguish advertisements from any other data being downloaded" is not even disclosed in the claimed. Therefore, applicant's argument is moot and not persuasive, and stand rejected as stated in the previous office action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3,6-7, 25-26, 32-34, 40-41, 48-50, 52-54, 96-98 and 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al.

a. As per claim 1, Moraes et al teaches a software for use on a client device that is configured for communications via a communications network comprising: a communications function that effects an advertisement download communication link between the client device and an advertisement distribution server system via the communications network (See col. 5, lines 18-21), at selected advertisement download times (See col. 7, lines 23-25); an advertisement storage function for storing the downloaded advertisement on a storage medium associated with the client device (See col. 5, lines 21-23); and an advertisement display function that effects display of at least selected ones of the stored advertisements (See col. 4, lines 19-20). However, Moraes fails to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link, at the selected advertisement download times;

Kurtzman, II et al teaches a computer system for efficiently selecting and providing information. Furthermore, Kurtzman, II et al teaches to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link (See col. 4, lines 27-31)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link, at the selected advertisement download times as taught by Kurtzman, II et al in the claimed invention of Moraes in order to efficiently select and provide advertisement (See col. 2, lines 23-24).

c. As per claim 6, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network comprises the Internet (See col. 1, lines 44-67)

d. As per claim 7, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35).

l. As per claim 48, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is customized to the user (See col. 6, lines 53-55)

m. As per claim 49, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is tailored to the user (See col. 6, lines 53-55)

n. As per claim 50, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by based at least partially on user demographics and/or user/client device behavior (See col. 5, lines 5-7).

o. As per claim 52, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is e-mail software (See col. 3, lines 66-67 and col. 4, line 1).

p. As per claim 53, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user demographics (See col. 5, lines 5-7).

q. As per claim 54, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on user/client device behavior (See col. 7, lines 8-9).

r. As per claim 96 and 99, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement display function effects display of the plurality of stored advertisements when the client device is offline (See col. 5, lines 64-67).

s. As per claim 97, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the client device is configured for communications with a multiplicity of other client devices via the communications network (See col.1, lines 27-33).

t. As per claim, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network is the internet (See col. 1, lines 44-45).

u. As per claim 104, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an installer function for installing the software on a computer-readable storage medium (See col. 10, lines 43-51)

v. As per claim 105, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the further comprising an installer function for installing the software on the client device (See col. 10, lines 43-51)

w. As per claim 106, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches the software further comprising an installer function for installing the software on a computer-readable storage medium associated with the client device (See col. 10, lines 43-51)

7. Claims 3, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,687,737 to Landsman et al.

a. As per claim 3, Moraes teaches the claimed invention as described above. However, Moraes fails to teach wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched.

Landsman et al teaches an apparatus and accompanying methods for network distribution and interstitial rendering of information objects to client computers. Furthermore, Landsman et al teaches wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched (see col. 10, lines 5-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched as taught by Landsman et al in the claimed invention of Moraes in order to transparently download advertising files (See col. 10, lines 5-30).

8. As per claim 25, Moraes in view of Kurtzman et al teaches the claimed invention as described above. However, Moraes fails to teach, wherein the advertisements comprise



advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement.

Landsman et al teaches wherein the advertisements comprise advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement (See col. 12, lines 15-38)

It would have been obvious to one with ordinary skill with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisements comprise advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement as taught by Landsman et al in the claimed invention Moraes in view of Kurtzman II et al order to select the advertisement to be delivered (See col. 12, lines 19-20).

f. As per claim 26, Moraes in view of Kurtzman et al teaches the claimed invention as described above. However, Moraes fails to teach wherein the advertisement display function displays the stored advertisements according to the ad display parameters.

Landsman et al teaches wherein the advertisement display function displays the stored advertisements according to the ad display parameters (See col. 21, lines 32-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement display function displays the stored advertisements according to the ad display parameters as taught by Landsman et al in the claimed invention of Moraes in view of Kurtzman et al in order to play the advertisement to the client (See col. 21, lines 32-49).

9. Claims 5 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,298,332 to Montague.

a. As per claims 5 and 51, Moraes in view of Kurtzman, II et al teaches the claimed invention as mention above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the advertisement distribution server system is controlled by a vendor of the software.

Montague teaches wherein the server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

10. Claims 2, 4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,516,338 Landsman et al.

a. As per claim 2, Moraes in view Kurtzman, II et al teaches the claimed invention as described above. However, Moraes teaches wherein the advertisement distribution server system

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includes at least one ad server, each of which stores at least one of the advertisements to be downloaded and the at least one playlist server.

Kurtzman, II et al teaches an on-line game playing with advertising. Furthermore, Kurtzman, II et al teaches wherein the advertisement distribution server system includes at least one playlist server (See col. 10, lines 18-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes at least one playlist server as taught by Kurtzman, II et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches wherein advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate advertisement distribution server system includes at least one ad server, each of which stores at least one of the advertisements to be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

b. As per claim 4, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes fails to teach wherein the playlist(s) contains a list of the advertisements to be downloaded, and the address where each listed advertisement is stored.

Kurtzman, II et al teaches an on-line game playing with advertising. Furthermore, Kurtzman, II et al teaches wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement can be fetched (see col. 10, lines 18-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) contains a list of the advertisements to be downloaded, and a source address where each listed advertisement is stored as taught by Kurtzman, II et al in the claimed invention of Moraes in order to provide continuous or persistent advertisements (See col. 51-57).

c. As per claim 9, Moraes in view of Kurtzman, II et al and in further view of Landsman et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network comprises the Internet (See col. 1, lines 44-67)

d. As per claim 10, Moraes in view of Kurtzman, II et al and further in view of Landsman et al teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35)

e. As per claim 11, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded.

Landsman et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Landsman et al teaches the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the at least one ad server comprises plurality of ad servers that each store at least one of the advertisements to be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to implement in a networked client-server a network distributed advertising in which advertisement is downloaded (See col. 1, lines 27-30).

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view of U.S. Patent No. 6,317,789 to Rakavy et al.

a. As per claim 14, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fail to teach wherein each

advertisement is being stored in a storage location designated by a URI wherein the advertisement distribution server system includes one playlist server.

Landsman et al teaches wherein each advertisement is being stored in a storage location designated by a URI wherein the advertisement distribution server system includes one playlist server (See col. 21, lines 31-37).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein each advertisement is being stored in a storage location designated by a URI wherein the advertisement distribution server system includes one playlist server as taught by landsman et al in order to download advertisement in a manner transparent to the user (See abstract).

However, Moraes et al in view of Kurtzman, II et al fails to teach wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded.

Ravaki et al teaches and apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisement to a client computer. Furthermore, Ravaki et al teaches wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded (See col. 21, lines 32-37).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the advertisement distribution server system includes a plurality of ad servers, each of which stores one or more of the advertisement to be downloaded

as taught by Ravaky et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download the next advertisement (See col. 6, lines 2-3).

b. As per claim 15, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Kurtzman, II et al teaches wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded (See col. 6, lines 10-15 and col. 7, lines 55-67). However, Moraes in view of Kurtzman, II et al fails to teach wherein the corresponding storage location from which each respective advertisement can be fetched.

Rakavy et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the corresponding storage location from which each respective advertisement can be fetched (See col. 6, lines 1-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the corresponding storage location from which each respective advertisement can be fetched as taught by Ravaky et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download the next advertisement (See col. 6, lines 2-3).

12. Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view of U.S. Patent No. 6,298,332 to Montague.

a. As per claim 8, Moraes in view of Kurtzman, II et al and further in view of Landsman teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al and further in view of Landsman fails to teach wherein the advertisement distribution server system is controlled by a vendor of the software.

Montague teaches wherein the server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

b. As per claim 12, Moraes in view of Kurtzman, II et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Kurtzman, II et al and further in view of Landsman et al fails to teach the playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by the vendor of the software.

Montague teaches wherein a server system is controlled by a vendor of the software (See col. 15, lines 35-36).



It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

c. As per claim 13, Moraes in view of Kurtzman, II et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Kurtzman, II et al and further in view of Landsman et al fails to teach wherein the at least one playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s).

Montague teaches wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s)

as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 25-31).

13. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,317,789 to Ravaky et al.

d. As per claim 17, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the one or more advertisement download sessions coincide with the selected advertisement download times (See col. 19, lines 40-50).

e. As per claim 18, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the selected advertisement download times span a plurality of online e-mail sessions during which the client device is online for the purpose of sending and/or receiving e-mail messages (See col. 20, lines 57-60).

f. As per claim 19, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the

selected advertisement download times coincide with times when the client device is online for a purpose other than for sending and/or receiving e-mail messages (See col. 21, lines 1-67).

g. As per claim 20, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s).

Rakavy et al teaches ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) (See col. 6, lines 31-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) as taught by Rakavy et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download and present advertisements from a network to a local computer based on user's selection of advertisement or informational categories (See col. 3, lines 10-15).

h. As per claim 21, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 1-2).

i. As per claims 22 and 23, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisement download function further includes an ad fetch timer function that limits the duration of each advertisement download session to a prescribed maximum time period (See col. 7, lines 23-25).

14. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, further in view of U.S. Patent No. 6,317,789 to Ravaky et al and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claim 24, Moraes in view of Kurtzman, II et al and further in view of Ravaky et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al and further in view of Ravaky et al fails to teach a playlist merge function that merges the current playlist(s) and the new playlist(s).

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches a playlist merge function that merges the current playlist(s) and the new playlist(s) (See col. 8, lines 43-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a playlist merge function that merges the current playlist(s) and the new playlist(s) as taught by Difranza in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Ravaky et al in order to build an advertisement specific list indicating

advertisements and time intervals for when those advertisements could potentially be displayed (See col. 8, lines 64-67).

15. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,339,795 to Narurkar et al.

a. As per claim 27, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the advertisements comprise advertisement files (See col. 11, lines 22-25). However, Moraes in view of Kurtzman, II et al fails to teach the advertisement download function downloads separate portions of a single advertisement file over two or more advertisement download sessions.

Narurkar et al teaches an automatic transfer of address/schedule/program data between disparate data hosts. Furthermore, Narurkar et al teaches the download function downloads separate portions of a single over two or more download sessions (See col. 16, lines 56-67)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the download function downloads separate portions of a single over two or more download sessions as taught by Narurkar et al in the claimed invention of Moraes in view of Kurtzman, II et al in because a previously established connection between the client and the server may have failed during a prior downloading session (See col. 16, lines 40-50).

b. As per claim 28, Moraes in view of Kurtzman, II et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement includes an image (See col. 13, lines 25-28)

c. As per claim 29, Moraes in view of Kurtzman, II et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each image comprises one of a GIF image, a PNG image and a JPEG image (See col. 13, lines 25-28).

d. As per claim 30, Moraes in view of Kurtzman, II et al and in further view of Narurkar teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 23-25).

16. Claims 31 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, further in view of U.S. Patent No. 6,339,795 to Narurkar et al as applied to claim 27 above, and further in view of U.S. Patent No. 6,360,366 to Heath et al.

a. As per claim 31, Moraes in view of Kurtzman, II et al and in further view of Narurkar teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al and in further view of Narurkar fails to teach wherein the advertisement download function further includes an ad fetch timer function that limits the duration of each

advertisement download session to a prescribed maximum time period.

Heath et al teaches a system and methods for automatic application version upgrading and maintenance. Furthermore, Heath et al teaches wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed maximum time period (See col. 7, lines 40-50)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the download function further includes a fetch timer function that limits the duration of each download session to a prescribed maximum time period as taught by Heath et al in the claimed invention of Moraes in view of Kurtzman, II et al and in further view of Narurkar in order to ensure that the download file is delivered quickly (See col. 7, lines 34-35).

17. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,442,529 to Krishan et al.

a. As per claims 32-34 and 40-41, Moraes in view of Kurtzman et al teaches the claimed invention as described above. However, Moraes fails to teach how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed.

Krishan et al teaches a method an apparatus for delivering targeted information and advertising over the internet. Furthermore, Krishan et al teaches how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed (See col. 4, lines 29-33).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed as taught by Krishan et al in the claimed invention of Moraes in view of Kurtzman et al in order to determine how various advertisers should be charged (See col. 4, lines 33-36)

18. Claims 35-39 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, as applied to claim 1 above, and further in view of U.S. Patent No. 5,955,710 to Difranza.

a. As per claims 35 and 42, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of



prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed (See col. 4, lines 20-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed as taught by Difranza et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

b. As per claim 36 and 43, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed (See col. 4, lines 20-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed as taught by Difranza et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

c. As per claim 39, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements how long that advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2). However, Moraes fails to teach wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period.

Difranza teaches an information distribution system for use in an elevator. Furthermore, Difranza teaches wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period (See col. 4, lines 20-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the ad display parameters specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period as taught by Difranza et al in the claimed

invention of Moraes in view of Kurtzman, II et al in order to target a highly desirable demographic business population (See col. 3, line 49-50).

19. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, as applied to claim 1 above, and further in view of U.S. Patent No. 5,918,014 to Robinson.

a. As per claim 46, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server.

Robinson teaches wherein an automated collaborative filtering World Wide Web advertising. Furthermore, Robinson teaches a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server (See abstract, lines 17-28)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server as taught by Robinson in the claimed invention of Moraes in view of Kurtzman, II et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

b. As per claim 47, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie.

Robinson teaches wherein an automated collaborative filtering world wide web advertising. Furthermore, Robinson teaches wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie (See col. 15, lines 20-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie as taught by Moraes in view of Kurtzman, II et al in order to be used for the purpose of targeting ads (See col. 3, lines 20-27).

20. Claims 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, as applied to claim 1 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

b. As per claim 55, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al and fails to teach an advertisement download monitor function that determines whether or not an ad download failure condition has occurred, whereby the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period.

Chang et al teaches a method for accessing and retrieving information from a source maintained by a network server. Furthermore, Chang et al teaches to teach an download monitor function that determines whether or not a download failure condition has occurred, whereby the ad download failure condition occurs when the download function has not successfully downloaded advertisements over a prescribed time period (See abstract, lines 19-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a download monitor function that determines whether or not a download failure condition has occurred, whereby the download failure condition occurs when the download function has not successfully downloaded advertisements over a prescribed time period as taught by Chang et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to reschedule the another data download for previous unsuccessful data download (See col. 3, lines 50-51).

21. Claims 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claim 56, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach an advertisement

download monitor function that determines whether or not an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a download monitor function that determines whether or not a download failure condition has occurred (See col. 2, lines 58-60)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a download monitor function that determines whether or not a download failure condition has occurred as taught by Casagrande et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claim 58, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach a disabler function that disables at least selected features of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-60).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught

by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

22. Claims 57, 59 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, further in view of U.S. Patent No. 6,339,795 to Narurkar et al further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 55 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claims 57 and 59, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al fails to teach a disabler function that disables at least selected functions of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in

view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claims 60 and 63, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al fails to teach an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 61, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of



Chang et al fails to teach wherein the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified (See col. 4, lines 14-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

d. As per claim 62, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period (See col. 4, lines 4-7).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

e. As per claim 64, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action

to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action as taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in view of Kurtzman, II et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

23. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

a. As per claim 110, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach an advertisement display monitor function that determines whether or not an ad display failure condition has occurred, whereby the ad display failure condition occurs when the advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period.

Chang et al teaches advertisement display monitor function that determines whether or not an ad display failure condition has occurred, whereby the ad display failure condition occurs when the advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period (See col. 6, lines 47-51).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate advertisement display monitor function that determines whether or not

an ad display failure condition has occurred, whereby the ad display failure condition occurs when the advertisement display function has not successfully displayed at least a prescribed number of advertisements over a prescribed time period as taught by Chang et al in the claimed of Moraes in view of Kurtzman, II et al in order to interrupt data downloading if the downloading time exceeded the downloading time (See abstract, lines 19-22).

24. Claim 111 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,605,120 to Fields.

a. As per claim 111, Moraes in view of Kurtzman, II et al teaches the claimed invention as described. However, Moraes in view of Kurtzman, II et al fails to teach a deadbeat user determination function that determines compliance with a prescribed ad display policy.

Fields et al teaches a deadbeat user determination function that determines compliance with a prescribed ad display policy (See col. 10, lines 55-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a deadbeat user determination function that determines compliance with a prescribed ad display policy as taught by Fields et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to include for a particular web content provider (See col. 10, lines 54-55).

25. Claims 112 –115, 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 110 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claims 112 and 113, Moraes in view of Kurtzman, II et al further in view of Chang et al fails to teach a disabler function that disables at least selected functions of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claims 114 and 115, Moraes in view of Kurtzman, II et al and further in view of Chang et al fails to teach an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad display failure and function that generates an ad display failure nag that notifies the user that the ad display failure condition has occurred taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 118, Moraes in view of Kurtzman, II et al further in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al further in view of Chang et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition;

and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action as taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

26. Claims 116-117 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, further in view of U.S. Patent No. 6,605,120 to Fields as applied to claim 111 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a. As per claim 116, Moraes in view of Kurtzman, II et al and further in view of Fields et al fails to teach an ad display failure and function that generates an ad display failure and function that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al an ad display failure and function

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that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad display failure and function that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Fields et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b. As per claim 117, Moraes in view of Kurtzman, II et al further in view of Fields et al fails to teach ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al and further in



view of Fields et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c. As per claim 119, Moraes in view of Kurtzman, II et al further in view of Fields et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al further in view of Fields et al fails to teach an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an alert function that generates an alert that notifies the user that at least selected functions of the software are about to be disabled unless the user takes corrective action to eliminate the ad download failure condition; and a disabler function that disables at least selected functions of the software if the user does not take the required corrective action as taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in

view of Kurtzman, II et al and further in view of Fields et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

***Allowable Subject Matter***

27. Claims 16, 37, 38, 44 and 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

28. Claims 65-95, 100-103, 107-109 are allowed.

***Conclusion***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606.

The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Djenane Bayard

A handwritten signature in black ink, appearing to read 'Rupal Dharia', with a long horizontal flourish extending to the right.

**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**